

PATENT
Application # 10/618,995
Attorney Docket # 1039-002

claim 21 for Species II;
claim 22 for Species III;
claim 23 for Species IV;
claim 25 for Species V; and
claim 29 for Species VI;

In support of the traverses, Applicant respectfully submits that 35 U.S.C 121 is only applicable if two or more "independent and distinct" inventions are claimed in one application. *See also* 37 CFR 1.141 and 37 CFR 1.142. A *prima facie* showing of both requirements, has not been made. For example, a relationship has been disclosed between the subject matter of each of the claims of Group I and Group II. *See* MPEP 802.01. Moreover, no reasonable showing of a lack of unity of invention between claim 2 and any of the alleged species of the application has been presented. "It is improper for the Office to refuse to examine that which applicants regard as their invention, unless the subject matter in a claim lacks unity of invention." *See* MPEP 803.02. *See also* 35 U.S.C. 101, and *Steinmetz v. Allen*, 192 U.S. 543, 563 (1904).

With regard to the alleged "species", there has been no reasonable showing that independent claim 2, from which each of the alleged species claims depend, is not allowable. Nor has there been a *prima facie* showing that the alleged species claims are patentably distinct with respect to claim 2 or with respect to each other. Further, applicant respectfully submits that the various alleged species claims comprise at least one common and patentable feature such that there would not be a substantial burden in searching all of the alleged species concurrently.

Finally, applicant respectfully submits that the search and examination of the entire application can be made without serious burden, regardless of whether a proper showing of independent and distinct inventions can be made.

CONCLUSION

It is respectfully submitted that, in view of the foregoing amendments and remarks, the application as amended is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

To: 783-872-9306

From: Eden at Michael Haynes PLC

Pg 4/4 05-18-05 03:06 PM CST

PATENT

Application # 10/618,995

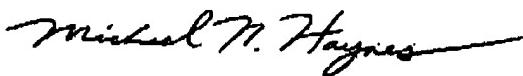
Attorney Docket # 1039-002

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

Michael Haynes PLC

Date: 18 May 2005



Michael N. Haynes
Registration No. 40,014

1341 Huntersfield Close
Keswick, VA 22947
Telephone: 434-972-9988
Facsimile: 815-550-8850